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POWELL, GOLDSTEIN (DTI-17)

NO. 787 P. 1

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(GOLDSTEIN) LLP**

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DATE: 28 August 2006  
TO: USPTO  
FIRM NAME:  
FACSIMILE NUMBER: 571.273.8300  
TELEPHONE NUMBER:  
FROM: Larry Colton  
OUR FILE NUMBER: 148467.01001  
**USPTO NUMBER: 10/807,961**  
NUMBER OF PAGES: 13

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NO. 787 P. 2

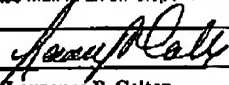
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PTO/SB/21 (09-04)  
Approved for use through 07/31/2008. OMB 0651-0031  
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<b>TRANSMITTAL FORM</b>	Application Number	10.807,961
	Filing Date	03/24/2004
	First Named Inventor	GROSS
	Art Unit	1623
	Examiner Name	Maier, L.C.
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	12	Attorney Docket Number 148467.01001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks This response is a Restriction/Election and is being submitted prior to the 1-month deadline of 31 August 2006. No additional fees are required. Please direct any questions to the attorney of record, Laurence P. Colton, at 404.572.6710.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	POWELL GOLDSTEIN LLP	
Signature		
Printed name	Laurence P. Colton	
Date	28 August 2006	Reg. No. 33,371

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Laurence P. Colton	Date 28 August 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT OPERATIONSRECEIVED  
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Applicant: Gross et al.

Application No.: 10/807,961

Filing Date: 03/24/2004

Title: TREATMENT AND PROPHYLAXIS  
OF SEPSIS AND SEPTIC SHOCK

Art Unit: 1623

Examiner: Maier, L.C.

Confirmation No.: 4091

Customer No.: 25207

Docket No.: 148647.01001 (Old: 14690.007US)

## RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

28 August 2006

Via Fax: +1.571.273.8300

Commissioner of Patents  
PO Box 1450  
Alexandria VA 22313-1450

Sir:

This is being submitted in response to the Restriction/Election requirement  
issued by Examiner Leigh C. Maier of Art Unit 1623 dated 31 July 2006/

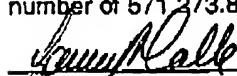
**Status** begins on page 2.

**Restriction/Election** begins on page 3.

**Claims Status** begins on page 4.

**Remarks** begin on page 11.

I certify that I have transmitted this document to the USPTO via facsimile to the central fax response  
number of 571 273.8300, this 28<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
Laurence P. Colton

**STATUS**

The above-captioned patent application is pending.

A Restriction/Election requirement has been made to which a response is due 31 August 2006 (one month).

**RESTRICTION / ELECTION**

Applicant restricts this patent application to the invention of Group I, Claims 1-26, 34 and 35, drawn to treat/prevent sepsis or sepsis shock.

This restriction is made without traverse.

Claims 27-33 are withdrawn as drawn to a non-elected invention.